

Ordinance No. 330

BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

An ordinance relating to the termination of a moratorium on the filing of land division applications for the creation of tracts of land that are ten acres in area and larger in the Agricultural Residential (AR-10) zoning district as shown on the Walla Walla County Zoning Map.

WHEREAS, the Walla Walla County Board of County Commissioners adopted Ordinance 308 and Resolution No. 04360 on December 27, 2004 which created a cluster development system to conserve agricultural lands; and

WHEREAS, the Eastern Washington Growth Management Hearings Board ("EWGMHB") issued a Final Decision and Order on August 10, 2005 invalidating a portion of Ordinance 308 that was applicable in the AR-10 zoning district and further directed Walla Walla County to bring itself into compliance by February 6, 2006; and

WHEREAS, the County has appealed the EWGMHB Final Decision and Order (FDO) to the Walla Walla County Superior Court and wishes to defer compliance with the FDO until such time as a judgment is issued by the Superior Court or a settlement agreement is formalized; and

WHEREAS, The County and the appellants entered into a formal mediation process to resolve their dispute. The mediation resulted in a conceptual agreement that is being formalized and will include the imposition of a moratorium by the County to prevent the filing of new land division applications in the AR-10 zoning district during the time that certain amendments to the County's development regulations are being processed to fulfill the settlement principles.

WHEREAS, the Walla Walla County Board of County Commissioners adopted Ordinance 324, and on December 5, 2005 implemented an emergency moratorium on the acceptance of new subdivision applications proposing to create tracts ten acres in area and larger on lands located in the AR-10 zoning district; and

WHEREAS, on January 9, 2006 after the issue of public notice, the Commissioners held a public hearing on the Moratorium, and on that date, accepted testimony from all members of the public desiring to be heard on the subject; and



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WHEREAS, on January 17, 2006, the Commissioners considered these Findings of Fact, deliberated on the issue whether to maintain the moratorium, and voted to continue the moratorium as described in Ordinance No. 324 with the amendments set forth in Ordinance No 326;

WHEREAS, on April 3, 2006, the Commissioners considered, approved and executed a settlement agreement to end the litigation related to the County's clustering development standards;

WHEREAS, on April 3, 2006, the Commissioners considered, approved and executed Ordinance No. 328 to amend the County development regulation in compliance with the aforementioned settlement agreement, and as a result the moratorium is no longer needed;

WHEREAS, the Board of County Commissioners has determined that a moratorium on the filing of land divisions to create parcels ten acres and larger in the Agricultural Residential 10 acre zoning district is no longer necessary for the protection of the public health, safety and general welfare and that an emergency no longer exists requiring immediate imposition of the moratorium; and

NOW THEREFORE, the Walla Walla County Board of Commissioners does hereby ordain as follows:

Section 1. Termination of Moratorium. The moratorium imposed on the filing of new applications for the creation of tracts of land that are ten acres in area and larger in the Agricultural Residential zoning district (AR-10) as shown on the Walla Walla County Zoning Map is hereby terminated.

Section 2. Effective Date. This ordinance is effective immediately upon adoption.

Section 3. Savings and Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. Publication. This Ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 3rd day of April, 2006.



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WALLA WALLA COUNTY


David G. Carey
David G. Carey, Chairman

Gregg C. Loney
Gregg C. Loney, Commissioner

Gregory A. Tompkins
Gregory A. Tompkins, Commissioner

ATTEST/AUTHENTICATED:

By: Connie R. Vinti
Connie R. Vinti, Clerk of the Board

APPROVED AS TO FORM:

By: Jesse D. Holt Deputy
COUNTY PROSECUTING ATTORNEY

BOARD OF WALLA WALLA COUNTY COMMISSIONERS
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